



1FW 2621

OFFICE ACTION TRANSMITTAL LETTER

Attorney Docket No:
SNY-R4742

Application Serial Number:
09/970,359

Filing Date:
10/3/2001

Examiner:
SHIBRU, HELEN

Art Unit:
2621

Invention: Faster Channel Change with PVR Pause Capability

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an Office Action Response in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	68	MINUS	68	0	\$50	\$0
INDEP. CLAIMS	12	MINUS	12	0	\$200	\$0

____ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 9/6/2006 to and through _____, comprising an extension of the shortened statutory period of:

____ one month (\$120.00) ____ three months (\$1,020.00)
____ two months (\$450.00) ____ four months (\$1,590.00)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$0.00

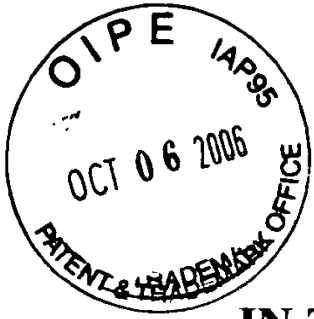
- ____ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ____ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ____ A check in the amount of \$_____ is attached.
- X Charge any underpayment for this submission to Deposit Account 50-1267.
- X No additional fee is required.

10/4/06
Date

Jerry A. Miller
Reg. No. 30779

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Jerry A. Miller Reg. No. 30779



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Inventor(s) : Christopher Jensen Read
Filed : 10/2/2001
Application No. : 09/970,359
Confirmation No. : 1702
Group Art Unit : 2621
Examiner : Shibru, Helen
Docket Number : SNY-R4742
Title : Faster Channel Change with PVR Pause Capability

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Applicant, Assignee or Reg. Representative: Jerry A. Miller, Reg. No. 30779

Signature: 

Date: 10/4/06

RESPONSE TO OFFICE ACTION

Sir:

This communication is responsive to the Election/Restriction requirement dated September 6, 2006, in which the claims were restricted based upon the species of Figures 2, 3 and 7.

It is believed appropriate that the claims be broken down based upon the identified species as follows:

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Fig. 2 – 1-3, 5, 7-9, 12-16, 18, 20-23, 25-31, 42-45, 54-57, 58-60, 61-64, 65-68.

Fig. 3 – 1-3, 5, 7-10, 12-16, 18, 20-23, 25-31, 32-41, 42-45, 54-57, 58-60, 61-64, 65-68.

Fig. 7 – 1, 2, 4-7, 11-15, 17, 19, 20, 24, 26, 42-45, 46-49, 50-53, 54-57, 58-60, 61-64, 65-68.

From this breakdown, it is evident that, contrary to the assertion in the action of September 6, 2006, there are in fact numerous claims that are generic either to the species of **Fig. 2** and **Fig. 3** or to all three identified species. **Figs. 2** and **3** illustrate exemplary systems that work partially in the analog domain, while **Fig. 7** illustrates an exemplary embodiment that operates more fully in the digital domain. Conversion from one domain to the other is not precluded in **Fig. 7**. Applicant makes no assertion that the claimed species are patentably indistinct, however, in view of the substantial number of generic and overlapping claims, it would seem that little purpose is served by making the present election requirement final. The burden required to search and examine all claims should be minimal compared to examination of any one species.

Applicant notes for the record that based upon the above grouping, claims 1, 2, 7, 12-15, 20, 26, 42-45, 54-57, 58-60, 61-64 and 65-68 appear to be generic to all three species. Applicant further notes for the record that claims 1-3, 5, 7-9, 12-16, 18, 20-23, 25-31, 42-45, 54-57, 58-60, 61-64 and 65-68 are generic to the species of both **Fig. 2** and **Fig. 3**. Applicant hereby requests that the claims be rejoined upon determination of allowability of any generic claim.

Responsive to the requirement to elect on of the identified species, Applicant hereby elects the species of **Fig. 3** – 1-3, 5, 7-10, 12-16, 18, 20-23, 25-31, 32-41, 42-45, 54-57, 58-60, 61-64, 65-68. (Note that the elected species almost completely includes the species of **Fig. 2**) However, in view of the additional cost of prosecuting two applications and the minimal relief of examination burden by virtue of the present election, Applicant further requests reconsideration and removal of the election requirement, and examination of all claims on their merits.

The undersigned hereby invites the Examiner to contact him by telephone if he can assist in the present matter in any way that expedites prosecution of the present application. The undersigned can be reached at the telephone number below.

Respectfully submitted,



Jerry A. Miller

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Dated: 10/4/06

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